IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 12572 of 2005

Between:

M.Lalu S/o.M.Thagriya
R/o.H.No.9-112, Chennareddiguda Village and Mandal, R.R.Dist

..... PETITIONER

AND

1 The Assistant Secretary Regional Transport Authority
Uppal R.R.District.
2 The Motor Vehicle Inspector Driving Test-Track,. Nagole, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, especially, one in the nature of writ of Mandamus declaring the seizure of the petitioner vehicle bearing No.AP28T 9509 vide vehicle check report No.2850586 dt.3.6.2005 is illegal arbitrary and violative of Article 19 (1) (g) of the Constitution of India and consequently direct the respondent to release the petitioner vehicle bearing No.AP28 T 9509 immediately.

Counsel for the Petitioner: MR.CH.RAVINDER

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in seizing the vehicle bearing No.AP28T 9509 vide vehicle check report No.2850586 dated 03-06-2005, as illegal, arbitrary and violative of Article 19 (1) (g) of the Constitution of India and consequently direct the respondents to release the petitioner vehicle.

2. It is stated that the respondents have seized the vehicle for the alleged irregularities stated in the vehicle check report on 03-06-2005. The petitioner made an application on 05-06-2005 for release of the vehicle. But the respondents did not pass any orders, though they were under an obligation to release the vehicle immediately when it was sought for release by making an application as contemplated under Rule 448 (b) of the A.P. Motor Vehicle Rules.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. In view of the fact that the issue is covered by a Division Bench judgment of this Court, the respondents are directed to release the vehicle to the petitioner, within three days from the date of receipt of a copy of this order, on payment of Rs.500/- and the tax, if any, due, and also on giving an undertaking that he shall not alienate or encumber the vehicle in question pending disposal of the enquiry as contemplated under Section 207 of the M.V. Act. The release of the vehicle and the deposit made by the petitioner shall be subject to the out come of the orders passed after conducting the enquiry.

5. Accordingly, the writ petition is disposed of. No order as to costs.

15th June, 2005, S.ANANDA REDDY, J

SKM

To

1 The Assistant Secretary Regional Transport Authority
Uppal R.R.District.
2 The Motor Vehicle Inspector Driving Test-Track,. Nagole, R.R.District.

3 Two CCs to the G.P for Transport,

High Court Buildings, High Court of A.P.,

Hyderabad.

4. 2 CD copies

*Form-NIC-OGS/WP{**MPL**}*